

file

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Trial Section Merits Panel
Box Interference, Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES C. ALEXANDER

Junior Party,
(Application 09/558,335)¹

v.

JAN BERANDS and JURGEN J. DEJONG

Senior Party
(Patent No. 5,896,957)²

Patent Interference No. 104,728

Before SCHAFFER, LEE and GARDNER, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

¹ Filed 04/26/00. Accorded the benefit of application 08/917,690, filed 08/26/97; application 08/679,719, filed 07/11/96; application 08/350,132, filed 11/29/94. The real party in interest is United Dominion Industries Limited.

² Based on application 08/946,371, filed 10/07/97. Accorded the benefit of application 08/507,424, filed 10/13/95; PCT/NL94/00326, filed 12/27/94; and Netherlands application 9302280, filed 12/28/93. The real party in interest is Steril B.V., a Netherlands company.

Interference No. 104,728
Alexander v. Berends

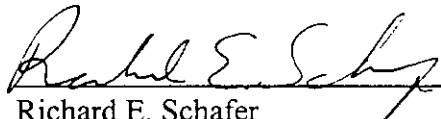
On January 13, 2003, junior party Alexander filed a paper requesting entry of adverse judgment against itself. The request is **granted**. It is

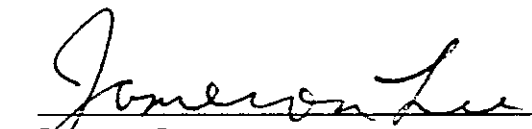
ORDERED that judgment as to the subject matter of the count is hereby entered against junior party JAMES C. ALEXANDER;

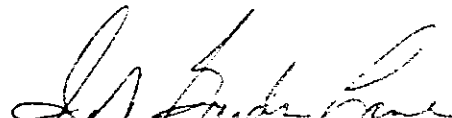
FURTHER ORDERED that junior party JAMES C. ALEXANDER is not entitled to its patent claims 21-28 which correspond to the count;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.


Richard E. Schafer
Administrative Patent Judge)


Jameson Lee
Administrative Patent Judge)


Sally Gardner
Administrative Patent Judge)

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 104,728
Alexander v. Berends

By Facsimile

Counsel for Junior Party Alexander:

202-861-1783 (Fax)
Edna Vassilovski, Esq.
BAKER & HOSTETLER, L.L.P.
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304

Counsel for Senior Party Berends:

412-471-4094 (Fax)
Richard L. Byrne, Esq.
WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburg, PA 15219